

Brian H. Gunn (SBN 192594)
bhgunn@wolfewyman.com
 L. Scott Bruggemann (SBN 302499)
sbruggemann@wolfewyman.com
WOLFE & WYMAN LLP
 2175 N. California Blvd., Suite 645
 Walnut Creek, California 94596-3502
 Telephone: (925) 280-0004
 Facsimile: (925) 280-0005

Attorneys for Defendant
BURNS & WILCOX INSURANCE SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARTFORD CASUALTY INSURANCE
 COMPANY, an Indiana Corporation,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE COMPANY, a
 California Corporation; BURNS & WILCOX
 INSURANCE SERVICES, INC., a California
 Corporation, and DOES 1 to 50,

Defendants.

Case No.: 3:15-cv-02592 SI

**DECLARATION OF L. SCOTT
 BRUGGEMANN IN SUPPORT OF BURNS
 & WILCOX'S SECOND MOTION FOR
 SUMMARY JUDGMENT**

Date: October 28, 2016
 Time: 10:00 a.m.
 Place: Courtroom 1, 17th Floor

Hon. Susan Illston

Trial Date: 10/17/2016
 Action Filed: 06/10/2015

BURN & WILCOX INSURANCE SERVICES,
 INC.,

Cross-Complainant,

v.

MOSEN O'HADI aka MOSEN OHADI, dba
 MALIBU PACIFIC and/or MALIBU PACIFIC
 REAL ESTATE CO and/or MALIBU COASTAL
 INSURANCE SERVICES, and ROES 1 – 100,
 inclusive,

Cross-Defendants.

I, L. SCOTT BRUGGEMANN, declare:

1. I am an attorney at Wolfe & Wyman LLP, counsel for Burns and Wilcox Insurance

Services, Inc. (hereinafter "Burns & Wilcox"), in this action, and on my review of the records and files herein, I have personal knowledge of the following facts and if called upon to testify, I would competently testify thereto.

2. Attached hereto as **Exhibit 1** are true and correct copies of relevant pages of the deposition transcript of Donna Bacarti, taken June 14, 2016. The deposition transcript contains a certification by Tricia Rasate, a certified shorthand reporter of the State of California. A true and correct copy of the certification is included in **Exhibit 1**.

- a) Page 59, lines 14-17;
- b) Page 75, lines 5-11; and Bacarti deposition Exhibit 5;
- c) Page 52, line 10 through page 53, line 3;
- d) Page 42, lines 8-13;
- e) Page 86, lines 8-15;
- f) Page 86, lines 16-20; and
- g) Page 92, lines 20-25.

3. Attached hereto as **Exhibit 2** are true and correct copies of the expert report of Charles Henderson. A true and correct copy is attached hereto.

4. Attached hereto as **Exhibit 3** are true and correct copies of relevant pages and Exhibits of the Deposition of Paul Owhadi taken July 26, 2016. The deposition contains a certification by Wendy S. Schreiber, a certified shorthand reporter of the State of California. A true and correct copy of the certification is included in **Exhibit 3**.

- a) Page 59, line 25 through page 60 line 9; and
- b) Exhibit 38.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Homeowner Application for Herndon Partners, LLC produced by Burns & Wilcox in discovery.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Personal Umbrella Application for Paul and Susan Owhadi produced by Burns & Wilcox in discovery.

7. Attached hereto as **Exhibit 6** is a true and correct copy of correspondence between Donna Bacarti of Burns & Wilcox and Mosen O'Hadi, dated August 25, 2008 and provided in

1 discovery.

2 8. Attached hereto as **Exhibit 7** is a true and correct copy of correspondence sent from
3 Victoria D'Albero to Mosen O'Hadi on November 26, 2008, produced by Burns & Wilcox in
4 discovery.

5 9. Attached hereto as **Exhibit 8** is a true and correct copy of correspondence between
6 Donna Bacarti of Burns & Wilcox and Mosen O'Hadi, dated November 17, 2008, produced by
7 Burns & Wilcox in discovery.

8 10. Attached hereto as **Exhibit 9** are true and correct copies of relevant pages of the
9 Deposition of Mosen O'Hadi taken May 18, 2016. The deposition contains a certification by Shanda
10 Gabriel, a certified shorthand reporter of the State of California. A true and correct copy of the
11 certification is included in **Exhibit 9**.

12 a) P. 62, lines 13-22; and

13 b) P. 61, lines 3-10.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct.

16 Executed on September 21, 2016 at Sacramento, California.

17
18 
19 L. SCOTT BRUGGEMMAN - Declarant
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

I, Lisa White, declare that I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not a party to the within action. My business address is 2175 N. California Blvd., Suite 645, Walnut Creek, California 94596-3502.

On the date shown below, I served the document(s) described as **DECLARATION OF L. SCOTT BRUGGEMANN IN SUPPORT OF BURNS & WILCOX'S SECOND MOTION FOR SUMMARY JUDGMENT** on all interested parties in said action by placing a true copy thereof in a sealed envelope addressed as stated on the ATTACHED SERVICE LIST.

☐ **BY MAIL:** as follows:

☐ **STATE** - I am "readily familiar" with Wolfe & Wyman LLP's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Walnut Creek, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☐ **FEDERAL** - I deposited such envelope in the U.S. Mail at Walnut Creek, California, with postage thereon fully prepaid.

☐ **BY PERSONAL SERVICE** as follows: I caused a copy of such document(s) to be delivered by hand to the offices of the addressee between the hours of 9:00 A.M. and 5:00 P.M.

☐ **BY OVERNIGHT COURIER SERVICE** as follows: I caused such envelope to be delivered by overnight courier service to the offices of the addressee. The envelope was deposited in or with a facility regularly maintained by the overnight courier service with delivery fees paid or provided for.

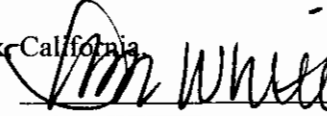
☒ **BY ELECTRONIC MAIL** as follows: I hereby certify that I electronically transmitted the attached document(s) to the U.S. District Court using the CM/ECF System for filing, service and transmittal of Notice of Electronic Filing to the CM/ECF registrants for this case. Upon completion of the electronic transmission of said document(s), a receipt is issued to the serving party acknowledging receipt by ECF's system, which will be maintained with the original document(s) in our office.

☐ **BY FACSIMILE** as follows: I caused such documents to be transmitted to the telephone number of the addressee listed on the attached service list, by use of facsimile machine telephone number. The facsimile machine used complied with California Rules of Court, Rule 2004 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), a transmission record of the transmission was printed.

☒ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **FEDERAL** I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made.

Executed on September 21, 2016, at Walnut Creek, California


 LISA WHITE

SERVICE LIST

Hartford Casualty Ins. Co. v. Fireman's Fund Ins. Co., et al.
U.S. District Court, Northern District - Case No. 3:15-cv-02592 SI
W&W File No. 1670-001
[Revised: 09/14/15]

<p>Stephen M. Hayes, Esq. Joshua N. Kastan, Esq. HAYES SCOTT BONINO ELLINGSON & McLAY, LLP 203 Redwood Shores Parkway, #480 Redwood City, CA 94065</p>	<p>Attorneys for Plaintiff HARTFORD CASUALTY INSURANCE COMPANY Tel.: (650) 637-9100 Fax: (650) 637-8071; (650) 637-9101 Email: shayes@hayesscott.com jkastan@hayesscott.com</p>
<p>Ramiro Morales, Esq. Laurence Near, Esq. MORALES FIERRO & REEVES 2300 Contra Costa Blvd., Suite 310 Pleasant Hill, CA 94523</p>	<p>Attorneys for Defendant FIREMAN'S FUND INSURANCE COMPANY Tel.: (925) 288-1776 Fax: (925) 288-1856 Email: rmorales@mfrlegal.com lnear@mfrlegal.com</p>
<p>Christine E. Jacob, Esq. Bret N. Batchman, Esq. HANSEN KOHLS SOMMER & JACOB LLP 1520 Eureka Road, Suite 100 Roseville, CA 95661</p>	<p>Attorneys for Cross-Defendant MOSEN O'HADI AKA MOSEN OHADI, DBA MALIBU PACIFIC AND/OR MALIBU PACIFIC REAL ESTATE CO AND/OR MALIBU COASTAL INSURANCE SERVICES Tel.: (916) 781-2550 Fax: (916) 781-5339 Email: cjacob@hansenkohls.com bbatchman@hansenkohls.com</p>